

1 PHILLIP A. TALBERT
2 United States Attorney
3 PETE THOMPSON
4 Acting Regional Chief Counsel
5 Oscar Gonzalez de Llano
6 Special Assistant United States Attorney
7 Social Security Administration
8 160 Spear Street, Suite 800
9 San Francisco, CA 94105
10 Telephone: (510) 970-4818
11 Email: Oscar.Gonzalez@ssa.gov
12 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11
12
13 EVALYN ANA MENDOZA,

14 Plaintiff,

15 v.

16 KILOLO KIJAKAZI,
17 Acting Commissioner of Social Security,¹

18 Defendant.
19

No. 1:20-cv-01695-EPG

STIPULATION TO VOLUNTARY REMAND
PURSUANT TO SENTENCE FOUR OF
42 U.S.C. § 405(g) AND TO ENTRY OF
JUDGMENT; ORDER

(ECF No. 24)

20
21 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned
22 attorneys, and with the approval of the Court, that the Commissioner of Social Security has
23 agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The
24 purpose of the remand is to offer Plaintiff a new decision.
25

26 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
27 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,
28 therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
U.S.C. § 405(g).

1 On remand, the Commissioner will offer Plaintiff the opportunity for a hearing; address the
2 additional evidence submitted to the Appeals Council; take any further action needed to complete the
3 administrative record; and issue a new decision. The parties further request that the Clerk of the
4 Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing
5 the final decision of the Commissioner.
6

7
8 Respectfully submitted this 26th day of May, 2022.

9 Respectfully submitted,

10 PHILLIP A. TALBERT
11 United States Attorney

12 By: s/ Oscar Gonzalez de Llano
13 OSCAR GONZALEZ DE LLANO
14 Special Assistant United States Attorney
Attorneys for Defendant

15 Respectfully submitted,

16 Attorneys for Plaintiff

17 By: s/ Jonathan O. Pena*
18 Jonathan O. Pena, Esq.
19 Pena & Bromberg, Attorneys at Law
20 (*as authorized by email)
21
22
23
24
25
26
27
28

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (ECF No. 24) and for cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation to Remand. The Clerk of the Court is respectfully directed to enter a judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED.

Dated: May 27, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE